

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 19, 2007.

Claims 4, 14, 24, 34 and 44 are canceled without prejudice or disclaimer. Therefore, claims 1-3 and 5-13, 15-23, 25-33, 35-43 and 45-50 are the claims currently pending in the present application.

Claims 1, 2, 11, 12, 21, 22, 31, 32, 41 and 42 are amended to clarify features recited thereby.

Claims 5-10, 15-20, 25-30, 35-40 and 45-50 are amended so that they continue to depend from a claim still pending in the present application.

Applicant thanks Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Rejection of Claims 1, 2, 11, 12, 21, 22, 31, 32, 41 and 42 under 35 U.S.C. §102

Claims 1, 2, 11, 12, 21, 22, 31, 32, 41 and 42 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hanson (7,136,645). Reconsideration of this rejection is respectfully requested.

Claims 1, 11, 21, 31 and 41 require monitoring a round trip time and a data size of the transmission data and the round trip time is a time difference between a transmission time of the transmission data and a reception time of the acknowledgment data.

Hanson does not disclose or suggest such features, and the Office Action acknowledges that claim 4 recites features which are allowable. Features of claim 4 are now recited by independent claims 1, 11, 21, 31 and 41. Accordingly, Hanson does not disclose or suggest the recitations of claims 1, 11, 21, 31 and 41.

Claim 2 depends from claim 1. Claim 12 depends from claim 11, claim 22 depends from claim 21, claim 32 depends from claim 31, and claim 42 depends from claim 41. Therefore, claims 2, 12, 22, 32 and 42 are patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejection and allowance of the application are respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON DECEMBER 11, 2007


MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700